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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,511	02/12/2004	Yousef Georges Aouad	9503	5249

27752 7590 01/22/2007
THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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CINCINNATI, OH 45224

EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/777,511	Applicant(s) AOUAD, YOUSEF GEORGES	
	Examiner Joseph L. Perrin, Ph.D.	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20040707;20050523</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The Examiner acknowledges receipt of the lengthy information disclosure statement filed July 7, 2004. There is no requirement that applicants explain the materiality of English language references, however the cloaking of a clearly relevant reference in a long list of references may not comply with applicants' duty to disclose, see Penn Yan Boats, Inc. v. Sea Lark Boats, Inc., 359 F. Supp. 948, aff'd 479 F. 2d. 1338. There is no duty for the Examiner to consider these references to a greater extent than those ordinarily looked at during a regular search by the Examiner. Accordingly, the Examiner has considered these references in the same manner as references encountered during a normal search of Office search files.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8, 10-11, 13-23, 25 & 27 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/07703 to RODD *et al.* (hereinafter "RODD"; continuation application U.S. Patent 6,581,800 used as unofficial translation document; both references cited by applicant). Re claims 1-2, 4-6, 8, 13, 15, 18-19 & 23, RODD

discloses a laundry additive dispensing system comprising a housing structure (1) positioned in a fixed spatial relationship to a washing machine drum (3), and an insert (4) with plural compartments (5) for conventional wash additives (i.e. detergent and/or rinsing agent; col. 6, lines 64-67) and a key of a "unique" and circular shape between compartments in the form of an aperture which interfaces with the housing to assure proper association therewith (see entire document, for instance, Figures 1-3 and relative associated text). Re claims 3, 10-11, 20-22, 25 & 27, RODD further discloses compartments (5) having V-shaped/U-shaped bottoms and the key being located between the compartment bottoms, and the key being a U-shaped notch (see Figures 3 and 2, respectively). Re claim 14, RODD further discloses the housing structure having a base and openable/closable lid (see Figures 4-7 and relative associated text). Re claims 16-17, RODD discloses the insert being constructed on a thin plastic film (col. 4, line 64). Accordingly, recitation of RODD reads on applicant's claimed invention.

4. Claims 1 & 4-11 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1195350 to VERHERBRUGGHEN *et al.* (hereinafter "VERHERBRUGGHEN"). Re claims 1 & 4-5, VERHERBRUGGHEN discloses a detergent insert (10) having a substantially V-shaped key aperture (30) formed of a curved notch with a characteristic shape capable of interfacing with a curved post (27) of housing (1) (see Figures 3-8 & paragraph [0018]). Re claims 6-7, VERHERBRUGGHEN further discloses that the insert aperture and housing post may be reversed as an insert post and housing aperture (col. 5, lines 56-58). Re claims 8-9, the aperture is construed to read on

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substantially circular or triangular. Re claims 10-11, the key and housing interface is shown to be "curved". Accordingly, recitation of VERHERBRUGGHEN reads on applicant's claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 9, 12, 26 & 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over RODD. Recitation of RODD is repeated here from above. While RODD expressly discloses the aperture being circular and the notch being U-shaped, RODD does not expressly disclose other geometrical shapes such as the aperture being triangular or the notch being V-shaped. It would have been within the level and skill of one having ordinary skill in the art at the time the invention was made to slightly

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modify the shape of the circular aperture to a triangular aperture or modify the shape of the U-shaped notch forming the key to the shape of a V-shaped notch, since such a modification would have involved a mere change in the form or shape of a component. A change in form or shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976).

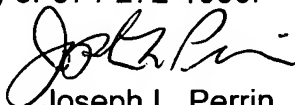
8. Claims 13-14, 16-18, 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over VERHERBRUGGHEN in view of RODD. Recitation of VERHERBRUGGHEN is repeated here from above. VERHERBRUGGHEN discloses using the laundry additive insert in electronic laundry appliances but does not expressly disclose using the insert in a housing structure positioned within a washing machine drum. As cited above, RODD teaches that it is known to provide a washing machine dispenser using an additive insert within the drum of a washing machine. Therefore, the position is taken that it would have been within the level and skill of one having ordinary skill in the art at the time the invention was made to supply the replaceable detergent insert dispensing system of VERHERBRUGGHEN within a washing machine drum, as disclosed by RODD, in order to provide detergent dispensing inside a washing machine. Moreover, there would be a reasonable expectation of success in supplying the detergent dispensing system of VERHERBRUGGHEN in various electronic laundry appliances including a washing machine, such being well within the level and knowledge of one having ordinary skill in the art.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1746

JLP